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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,977	08/13/2001	Alan Caplan	AMAZON.062A3	7738
20995 7590 02/08/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT	PAPER NUMBER

3692

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/08/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/08/2007.

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**Office Action Summary**

Application No.

09/928,977

Applicant(s)

CAPLAN ET AL.

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-14 and 41-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-14, and 41-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

1. Claims 9-14, 41-64, remained pending.

**Claim Rejections - 35 USC § 102**

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-14, 41-64, are rejected under 35 U.S.C. 102(e) as being anticipated by Herzberg et al (Hereinafter Herzberg U.S Patent 7, 124, 115.

As per claim 9, Herzberg discloses a system for providing fee-based access to content, comprising:

a service provider site that collects payments from users, including single-action payments initiated from pages of external sites; and

a content provider("i. e, merchant") site that is external to the service provider site (i. e, billing server") the content provider site comprising a content page, and including an additional page that includes a selectable link to the content page, said link including a reference to the service provider site to allow the service provider site to collect payments.(see column 6 lines 4-50 and column 7 lines 12-40) wherein selection of the link by a visitor who is registered with the service provider site causes the service provider site to charge the visitor a fee for accessing the content page and causes the content page to be displayed by a browser of the visitor, whereby the visitor may pay for and access the content page with a single action. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 10, Herzberg discloses wherein the service provider site is responsive to selection of the link by redirecting the browser to the content page. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 11, Herzberg discloses wherein the service provider site causes the content page to be displayed together with a payment confirmation message. (see

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column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 12, Herzberg discloses wherein the service provider site causes the content page to be displayed together with a control for allowing the visitor to negate payment of the fee. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 13, Herzberg discloses wherein the service provider site includes a link creation tool which creates coding for embedding single-action payment links within external web pages. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 14, Herzberg discloses wherein the service provider site and the content provider site are operated by independent entities. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 41, Herzberg discloses a method for providing payment-based access to a digital work, comprising:

hosting the work on a content provider("i. e, merchant") site in association with a link to a payment service provider site, on the payment service provider (i. e, billing server") site, in response to selection of the link by a user: (a) collecting payment from the user; (b) generating a string containing transaction information associated with the payment; and (c) (see column 6 lines 4-50 and column 7 lines 12-40) redirecting a browser of the user to a destination location on the content provider site such that the string is passed to the content provider site with a destination URL. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6) and on the content provider site, determining whether the string passed with the destination URL is valid to determine whether the user is authorized to access the work. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

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As per claim 42, Herzberg discloses wherein the string is passed in an encrypted form. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 43, Herzberg discloses wherein the link is to a payee-specific pay page hosted by the service provider site. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 44, Herzberg discloses wherein the link is a single-action payment link which, when, selected, causes both (a) payment to be completed, and (b) the browser of the user to be immediately redirected to the destination location, whereby the user completes payment without viewing the payment service provider site. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 45, Herzberg discloses a computer system that provides a network-based payment service, the computer system comprising:  
an electronic data repository that stores account data associated with each of the following: (a) a plurality of users that are registered to make payments via the payment(i. e, billing server") service, (b) a content provider("i. e, merchant") that is registered with the payment service to collect payments from the registered users for accessing content provided by the content provider, and (c) a web site operator that hosts, on a web site, a payment link that is selectable by the registered users to pay for and access the content provided by the content provider .(see column 6 lines 4-50 and column 7 lines 12-40)and server system coupled to the electronic data repository, the server system responsive to selection by a registered user of the payment link on said web site by charging the registered user a fee for accessing the content and causing a web browser of the registered user to access the content, wherein the server system divides the fee between at least the web site operator and the content provider, such that the web site operator and the content provider each receive a portion of the fee. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 46, Herzberg discloses wherein the server system causes the web browser to access the content by returning a redirect message to redirect the web browser to an external web location that is separate from said web site and said server system. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 47, Herzberg discloses wherein the server system hosts a web-based application that provides functionality for the user to specify said external web location, and to associate the external web location with the payment link. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 48, Herzberg discloses wherein the server system includes an encrypted access string in a target URL portion of said redirect message to enable the external web location to verify that the registered user is authorized to access the content. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 49, Herzberg discloses wherein the server system is configured to process the selection of the payment link as a single-action transaction, such that the registered user is charged the fee and is provided with access to the content without having to perform any subsequent action. (see column 6 lines 4-50 and column 7 lines 12-41 column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 50, Herzberg discloses wherein the server system determines an amount to be paid to the web site operator by calculating a commission that is dependent on the fee. (see column 6 lines 4-50 and column 7 lines 12-40 2 lines 46-67 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 51, Herzberg discloses wherein the server system divides the fee between at least the web site operator, the content provider, and a service provider that operates the payment service. (see column 6 lines 4-50 and column 7 lines 12-40 2 lines 46-67 and column 3 lines 1-67 and column 4 lines 1-6).

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As per claim 52, Herzberg discloses wherein the web site is an external web site that is not hosted by the server system. (see column 6 lines 4-50 and column 7 lines 12-40 2 lines 46-67 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 53, Herzberg discloses wherein the content is served to the web browser by the server system. (see column 6 lines 4-50 and column 7 lines 12-40 2 lines 46-67 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 54, Herzberg discloses wherein the server system hosts a webbased application that provides functionality for payees to design payment links, and to publish such payment links for web site operators to host (see column 6 lines 4-50 and column 7 lines 12-40 2 lines 46-67 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 55, Herzberg discloses wherein the web-based application additionally provides functionality for a payee to specify and publish a commission amount to be paid to the web site operators for referrals resulting from the payment link. (see column 6 lines 4-50 and column 7 lines 12-40 2 lines 46-67 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 56, Herzberg discloses wherein the content is an article authored by the content provider. (see column 6 lines 4-50 and column 7 lines 12-40 2 lines 46-67 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 57, Herzberg discloses a computer-implemented method for providing user access to content and for allocating user payments for accessing such content, the method provided in association with a link hosted by a first web site of a first entity, said link being selectable by users during browsing of the first web site to pay for and access content, the method comprising:

detecting selection of said link by a user, and in response to said selection: (a) charging the user a fee associated with accessing the content, and (b) causing a web browser of the user to access a web page that includes or provides access to the content, said web page associated with a second entity, and being part of a second web site that is separate from the first web site (see column 6 lines 4-50 and column 7 lines 12-40 2 lines 46-67 and column 3 lines 1-67 and column 4 lines 1-6) and dividing the fee

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between at least the first entity and the second entity, such that the first and second entities each receive a portion of the fee;

wherein the method is performed by a networked computer system that implements a payment service, said networked computer system being separate from the first web site. (see column 6 lines 4-50 and column 7 lines 12-40 2 lines 46-67 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 58, Herzberg discloses wherein the second web site is separate from the networked computer system, and the step of causing the web browser to access the web page comprises sending a redirect message to the web browser. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

(As per claim 59, Herzberg discloses wherein the redirect message includes an encrypted access string that, when passed by the web browser to the second web site, enables the second web site to confirm user authorization to access the content. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 60, Herzberg discloses wherein the redirect message redirects the web browser to a URL pre-specified by the second entity via a user interface of the networked computer system. (see column 2 lines 20-65 and column 3-16 lines 1-67)

As per claim 61, Herzberg discloses further comprising allocating an additional portion of the fee to a provider of the payment service. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 62, Herzberg discloses wherein the first and second web sites are external to the payment service. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

As per claim 63, Herzberg discloses wherein the web page is served by the networked server system, and includes or provides access to content uploaded to the networked server system by the second entity (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).



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As per claim 64, Herzberg discloses wherein the user is charged the fee, and is provided access to the content, solely in response to selection of the link, such that the content is provided to the web browser without the user performing any action subsequent to selection of the link. (see column 6 lines 4-50 and column 7 lines 12-41 and column 8 lines 1-40 and column 3 lines 1-67 and column 4 lines 1-6).

### **Conclusion**

#### **Response to Arguments**

4. Applicant's arguments files on 11/14/06 have been fully considered but they are moot in view of new grounds of rejections.

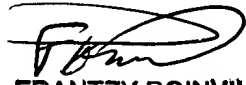
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

January 18, 2007



FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3692